

Message Text

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14

ACTION EB-07

INFO OCT-01 EA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOT-00 INR-07 NSAE-00 FAA-00 PM-03 H-02 L-03 NSC-05

PA-01 PRS-01 SP-02 SS-15 USIA-06 /061 W

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R 030847Z JUL 75

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 1338

LIMITED OFFICIAL USE TOKYO 8952

E.O. 11652: N/A

TAGS: EAIR, JA

SUBJ: CIVAIR: AIRLINE COMMISSION RATE DISPUTE

REF: TOKYO 8852

1. PANAM/TOKYO INFORMED EMBASSY THAT THEIR REPS (CLARK AND MATSUOKA) WERE CALLED TO JCAB ON JULY 3 IN CONNECTION WITH JCAB REQUEST TO AIRLINES TO FILE COMMISSION RATES FOR APPROVAL. PANAM REPS SAID THEY RESTATED CARRIER'S POSITION THAT AGENT COMMISSIONS ARE NOT PART OF PASSENGER FARES AND AGAIN DECLINED TO COMPLY WITH JCAB REQUEST. THEY ALSO INDICATED TO JCAB THAT THIS ISSUE IS QTE MATTER FOR DISCUSSION BETWEEN GOVERNMENTS UNQTE.

2. JCAB OFFICIALS AGAIN ASKED PANAM TO FILE ITS COMMISSION RATES, NOTING THAT OTHER U.S. CARRIER SERVING JAPAN PASSENGER MARKET (NORTHWEST) HAD ALREADY DONE SO, AND ASSERTING THAT FAILURE OF PANAM TO COMPLY WOULD HAVE SERIOUS CONSEQUENCES INCLUDING QTE JEOPARDIZING RELATIONS BETWEEN U.S. AND JAPANESE GOVERNMENTS UNQTE.

3. EMBASSY COMMENT. WE BELIEVE JCAB IS FULLY PREPARED
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TO GO THE LIMIT ON THIS ISSUE. IT APPARENTLY HAS NOT

YET EXPLICITLY THREATENED TO PENALIZE PANAM FOR
FAILURE TO FILE COMMISSION RATES, AND UNDOUBTEDLY
WOULD PREFER TO SETTLE THE PROBLEM WITHOUT RESORTING
TO SANCTIONS ALTHOUGH TRANSPORT MINISTER DOES HAVE
AUTHORITY UNDER CIVIL AERONAUTICS LAW TO SUSPEND A
FOREIGN CARRIER'S BUSINESS OR CANCEL ITS OPERATING
PERMIT FOR VIOLATION OF THE LAW. JCAB, OF COURSE,
IS AWARE THAT SIMILAR PROBLEM WITH U.K. WAS SETTLED
PARTLY ON UNDERSTANDING THAT PANAM WOULD SEEK
ADOPTION OF IATA RESOLUTIONS PROVIDING FOR INTERIM
AGREEMENT ON COMMISSION RATES, AND EFFECTIVE ENFORCE-
MENT SYSTEM. HOWEVER, JCAB CONSIDERS THAT EARLY IATA
ACTION CANNOT BE ASSURED AND THAT IT MUST ACT NOW TO
RESTORE ORDER TO JAPANESE MARKET.
HODGSON

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Message Attributes

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Margaret P. Grafeld
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06 JUL 2006

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